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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,659	07/05/2001	Jose Guterman	INTL-0595-US (P11736)	2671

7590 03/25/2005

Timothy N. Trop
TROP, PRUNER & HU, P.C.
8554 KATY FWY, STE 100
HOUSTON, TX 77024-1805

EXAMINER	
NAJJAR, SALEH	
ART UNIT	**PAPER NUMBER**
2157	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/899,659	GUTERMAN	
	Examiner	Art Unit	
	Saleh Najjar	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16,18-21 and 23-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16,18-21 and 23-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This action is responsive to the communication filed on October 29, 2004. Claims 16, 18-21, and 23-28 are pending.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 16, 18-21, and 23-28 are rejected 35 U.S.C. 103(a) as being unpatentable over Lamb et al., U.S. Patent No. 6,747,970 in view of Lange et al., U.S. Patent no. 6,163,794.

Lamb teaches the invention substantially as clamed including a system and method for providing communication services using agents to perform a particular implementation (see abstract).

As to claim 16, Lamb teaches teaches a method comprising:

detecting the occurrence of a network event (see col. 45, lines 40-55, Lamb discloses that messaging events or conditions);

upon detecting the occurrence of a network event, determining whether personal agent software for the event is available; and executing said software to provide services to said subscriber (see figs. 1-6; col. 41, lines 1-10; col. 44, lines 20-40; col. 45, lines 40-60; col. 47, lines 1-10, Lamb discloses that when a network event is detected directed for a particular agent, the runtime system determines whether the agent is active or non-active).

Lamb fails to teach the limitation of receiving personal agent software from a subscriber. Lamb does teach that the subscriber can access and configure the agent through an agent interface like an applet (see figs. 2-3; col. 41-43).

However, Lang teaches a network system and method, which allows users to customize agents for network service provisioning (see abstract). Lange teaches receiving personal agent software from a subscriber (see figs. 1-6; col. 9, lines 10-55, Lange discloses that customized agents are written by subscribers and uploaded to the server).

It would have been obvious to one of ordinary skill n the art at the time of the invention to modify Lamb in view of Lange so that a personalized agent is uploaded to the server. One would be motivated to do so to allow third parties to customize the behavior of agents to perform certain tasks.

As to claim 18, Lamb teaches the method of claim 16, wherein if personal agent software for the event is not available, processing the event using network event processing (see col. 45, lines 50-60, Lamb discloses that if the runtime environment determines that the agent is not active, then the agent is started to perform event processing).

As to claim 19, Lamb teaches the method of claim 16, including detecting the occurrence of an event, and upon the detection of the occurrence of an event, selecting an appropriate agent to run (see col. 45-46, Lamb discloses that upon detection of a messaging event, the appropriate agent is selected to process the messaging event).

As to claim 20, Lamb teaches the method of claim 19 including making available service primitives to implement network call functions to personal agent software that provides personalized services to subscribers to said telephone network (see col. 46-48).

Claims 21, and 23-25 do not teach or define any new limitations above claims 16, 18-20 and therefore are rejected for similar reasons.

As to claim 26, Lamb teaches a system comprising a processor (see figs. 2-4); and

A storage storing instructions that enable the processor to customize an agent by the subscriber and execute said software to provide services to said subscriber for a telephone network, said storage also storing a plurality of primitives to implement standard call functions, said system to make those primitives available to personal

agents (see col. 45, lines 1-60; col. 46-48, Lamb discloses that the agents are provided with the primitives to process messaging events).

Lamb fails to teach the limitation of receiving personal agent software from a subscriber. Lamb does teach that the subscriber can access and configure the agent through an agent interface like an applet (see figs. 2-3; col. 41-43).

However, Lang teaches a network system and method, which allows users to customize agents for network service provisioning (see abstract). Lange teaches receiving personal agent software from a subscriber (see figs. 1-6; col. 9, lines 10-55, Lange discloses that customized agents are written by subscribers and uploaded to the server).

It would have been obvious to one of ordinary skill n the art at the time of the invention to modify Lamb in view of Lange so that a personalized agent is uploaded to the server. One would be motivated to do so to allow third parties to customize the behavior of agents to perform certain tasks.

As to claim 27, Lamb teaches the system of claim 26 wherein said system is coupled to the telephone network to provision said personal agent software (see figs. 1-6; col. 45-46).

Lamb fails to teach the limitation of receiving personal agent software from a subscriber. Lamb does teach that the subscriber can access and configure the agent through an agent interface like an applet (see figs. 2-3; col. 41-43).

However, Lang teaches a network system and method, which allows users to customize agents for network service provisioning (see abstract). Lange teaches receiving personal agent software from a subscriber (see figs. 1-6; col. 9, lines 10-55, Lange discloses that customized agents are written by subscribers and uploaded to the server).

It would have been obvious to one of ordinary skill n the art at the time of the invention to modify Lamb in view of Lange so that a personalized agent is uploaded to the server. One would be motivated to do so to allow third parties to customize the behavior of agents to perform certain tasks.

As to claim 28, lamb teaches the system of claim 26.

Lamb fails to teach the limitation of receiving personal agent software from a subscriber over the Internet. Lamb does teach that the subscriber can access and configure the agent through an agent interface like an applet (see figs. 2-3; col. 41-43).

However, Lang teaches a network system and method, which allows users to customize agents for network service provisioning (see abstract). Lange teaches receiving personal agent software from a subscriber (see figs. 1-6; col. 6; col. 9, lines 10-55, Lange discloses that customized agents are written by subscribers and uploaded to the server through the Internet).

It would have been obvious to one of ordinary skill n the art at the time of the invention to modify Lamb in view of Lange so that a personalized agent is uploaded to the server through the Internet. One would be motivated to do so to allow third parties to customize the behavior of agents to perform certain tasks.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Lange et al., U.S. Patent no. 6,163,794.

Lange teaches the invention as claimed including a network system, which allows users to customize agents for network service provisioning (see abstract).

As to claim 26, Lange teaches a system comprising a processor (see figs. 1-6); and

a storage storing instructions that enable the processor to receive agent software from the subscriber and execute said software to provide services to said subscriber for

a telephone network, said storage also storing a plurality of primitives to implement standard call functions, said system to make those primitives available to personal agents (see col. 22-25).

As to claim 27, Lange teaches the system of claim 26 wherein said system is coupled to the telephone network to receive said personal agent software (see col. 8, lines 15-25).

As to claim 28, Lange teaches the system of claim 26 wherein said system receives said personal agent software over the Internet (see col. 6).

6. Applicant's arguments with respect to claims 16, 18-21, and 23-28 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Saleh Najjar
Primary Examiner / Art Unit 2157